

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PAUL E. ASHBAUGH, )  
Plaintiff, )  
 )  
vs. ) Civil Action No. 08-666  
 )  
COMMISSIONER OF SOCIAL )  
SECURITY, )  
Defendant. )

O R D E R

AND NOW, this 15 day of December 2008, after the plaintiff, Paul E.

Ashbaugh, filed an action in the above-captioned case seeking review of the Social Security Commissioner's final determination disallowing his claim for a period of disability or for disability insurance benefits and supplemental security income benefits, and after cross motions for summary judgment were submitted by the parties, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 14), which is adopted as the opinion of this Court,

IT IS ORDERED that plaintiff's motion for summary judgment (Docket No. 9) is denied.

IT IS FURTHER ORDERED that defendant's motion for summary judgment (Docket No. 11) is denied.

IT IS FURTHER ORDERED that this matter is remanded to the Commissioner of Social Security for further consideration.

  
Gary L. Lancaster  
Gary L. Lancaster  
United States District Judge